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Video Conferencing Increases Court Efficiency

Some litigants in Indiana courts are appearing before the judge on television screens, rather than in the courtroom.

Video links between prisons or jails and courtrooms are increasingly common in Indiana. The first trial court in the state to conduct prison hearing via video conferencing was the Sullivan Superior Court.

Sullivan County

In 1997, the Sullivan Superior Court initiated a pilot program, funded by a grant from the Criminal Justice Institute, to install video conferencing equipment to link the Sullivan Superior Court, the Office of the Attorney General, and the Wabash Valley Correctional Facility. The purpose of the link was to facilitate preliminary criminal proceedings and small claims trials.

The Sullivan courts now utilize the video conferencing equipment to conduct preliminary criminal proceedings, preliminary hearings in civil cases, and small claims trials. The current system links the Sullivan Circuit/Superior Courts, the Office of the Attorney General, and the Wabash Valley Correctional Facility. It allows inmates who are parties in these types of proceedings, as well as any inmate and/or staff members testifying as witnesses, to "appear" electronically.

Sullivan County Magistrate Ann Smith said that the system has enhanced courthouse security and saved substantial staff hours at the Wabash Valley Correctional Facility. She noted that typically two transportation officers are needed to transport each prisoner from the Wabash Valley Correctional Facility for a hearing in the Sullivan County courts. Magistrate Smith also noted that the Sullivan County Courthouse lacks a central security system, such as walk-through metal detectors. Only hand-held metal detectors are available, so security has been a continuing concern.

Because of the staff costs and security issues in transporting inmates to court, Sullivan County judges previously routinely traveled to the Wabash Valley Correctional Facility to conduct court proceedings. The video-conferencing system has eliminated the need for such trips.

The Indiana Department of Correction has provided video conferencing capabilities to most of its larger facilities which utilize the Indiana Higher Education Telecommunications System (IHETS). This project resulted in the installation of new video conferencing equipment at many DOC facilities. As a result, in January of 2001, participants of the pilot program, including the Sullivan County Courts, installed a new dedicated circuit network. The new circuit is monitored and maintained by IHETS. This circuit allows the parties of the pilot program to schedule video conferences with IHETS to conduct three-way video conferencing sessions between parties. Magistrate Smith said the Sullivan County Courts have experienced few technical difficulties since the installation of the new circuit in January and have been very satisfied with the technical support provided by IHETS.

Boone County

In Boone County, fiber optic technology is used to link two of its courtrooms to the Boone County Jail several miles away. The system, installed about four years ago, is used for initial hearings where the defendant is still jailed and for bond reduction hearings.

"We've had very few technical problems," said Boone Circuit Court Judge Steve David. "It's much better than the alternative. The time saved doesn't take long to add up to hundreds of hours."

Allen County

Allen County has been studying video conferencing technology for four years. The Allen County Jail is wired for the technology, and nine new courthouses under construction also will include such wiring. Allen County Courts Administrator Gayle Ort believes the length in implementation study has created unexpected rewards. He noted that technology has advanced rapidly during the past four years, while costs, although still substantial, have decreased dramatically.

Indiana CLEO Completes Fifth Summer Institute

Thirty ambitious and motivated future law students arrived on the University of Notre Dame Law School campus on June 10, 2001, for the start of the fifth Indiana CLEO Summer Institute.



2001 Indiana Summer Institute CLEO Fellows and Board Members

This year was the first time that the University of Notre Dame Law School hosted the institute. Under the leadership of Dean Patricia O'Hara and Co-Directors Gail Peshel, Director of Career Services, and Father John Pearson, Associate Professor and Director of the Law School's Center on Law & Government, the program had at least one student representing each of the four Indiana law schools.

The Indiana CLEO Summer Institute was designed to expose the students to the structure, vernacular and intensity typically associated with law school classes. Since the inception of the Summer Institute, its curriculum has centered on the three or four classes that are primarily offered during the first year of law school. This year was no different, with classes on contracts, torts,

property and legal writing and research offered at the Summer Institute. Upon successful completion and certification by the faculty, each Summer Institute student is certified as an Indiana CLEO Fellow, receiving a certificate commemorating the event. Each Indiana CLEO fellow is then eligible to receive a stipend to assist with tuition or living expenses while attending an Indiana law school.

Not only were the students exposed to the academic side of law school through the summer institute, but they were also introduced to the importance of networking and developing strategies for employment. This year's students had the chance to meet Judge Ann C. Williams of the U.S. Court of Appeals, 7th Circuit, and attend receptions hosted by various state and local bar associations.

Ask Jack

(Each issue, Jack Stark, Director of Trial Court Services, will answer reader questions concerning matters of court administration or general reader interest. Should no interesting questions be presented, Jack will make up a question and answer it! Anyone with a question is invited to send it to Jack Stark, Division of State Court Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, or e-mail it to jstark@courts.state.in.us.)

Question: I'm a trial court clerk, and I've just received a pleading entitled, "Praeceptum for Withdrawal of Submission." What is this and what I am supposed to do with it?

Answer: Indiana Trial Rule 53.1 and 53.2 provide a mechanism for any "interested party" to apply for a change of judge should delay occur in setting a motion for hearing, ruling on a motion after hearing, ruling on a motion if no hearing is required, or ruling on a matter "tried to the court" and taken under advisement thereafter.

Parties interested in invoking the procedure will file a "praecipe" (a Latin term for an order addressed to the clerk of the court requesting him or her to issue a particular writ) directing the trial court clerk to enter the time and date of the filing in the clerk's praecipe book, record the filing in the case's chronological case

summary, and determine whether or not a ruling has been delayed beyond the time limitations set forth under the rules. The time limits are 30 days for motions and 90 days for causes tried to the court and taken under advisement.

Where delay is found, the clerk is to provide written notice to the judge of the cause and the supreme court of Indiana that the cause has been "withdrawn" (from the trial court judge) effective as of the time of the filing of the praecipe. The clerk is to record this determination in the CCS.

Where the clerk finds no delay, she is to notify in writing all parties of record in the proceeding and record her determination in the CCS.

Within this structure, individual fact scenarios may be as varied as Indiana weather in March. Questions in individual cases may be directed to your county attorney or State Court Administration.

Commission on Race and Gender Fairness

Fueled by growing concerns about race and gender fairness in Indiana's justice system, the Supreme Court created the Indiana Supreme Court Commission on Race and Gender Fairness in 1999.

The Commission will investigate and analyze data relating to race and gender issues and recommend ways to improve race and gender fairness in the courts, the legal system, state and local governments, as well as between legal service providers and public organizations. Commission subcommittees include language and cultural barriers, make up of the profession, treatment by the courts, and civil, domestic, family, and employment law issues.

So far, the Commission has researched statistical census and demographic data, identified broad issues which it will study, determined the means by which it will collect information regarding those issues and created a website and informational brochure.

This summer, the Commission is hosting seven Community Forums in six locations across Indiana. Each

forum will provide Indiana residents the opportunity to voice concerns on race and gender fairness issues in Indiana's judicial system. The Community Forums begun in New Albany and will conclude in Indianapolis. The Commission will host one forum in Spanish and provide Spanish interpretation at all forums. After the Community Forums, the Commission will analyze the data and produce a final report with recommendations in 2002.

Representatives of Indiana's judiciary, the practicing bar, academia, state and local governments, public organizations, and law enforcement and corrections comprise the twenty-five member Commission, chaired by former Indiana Supreme Court Justice Myra Selby, now an attorney with Ice Miller Donadio & Ryan law firm in Indianapolis.

The Division of State Court Administration serves as supporting staff to the Commission.

Public Defender Commission Enjoys Increased Funding

Despite the state's overall tight fiscal forecast, which overshadowed the 2001 session of the General Assembly, the Public Defender Commission was fortunate to emerge with an increase in its appropriation.

Heading into the session, the Commission's appropriation for reimbursement of capital and noncapital cases stood at \$2.4 million per year. At the end of the session, the General Assembly increased appropriation to \$6.0 million for fiscal year 2001-02 and \$7.0 million for fiscal year 2002-03. These substantial increases for the Commission's work constitute a significant recommitment by the General Assembly to providing quality indigent defense services.

As the legislative session progressed, reimbursements in noncapital cases submitted to the January and April 2001 meetings of the Commission were temporarily suspended due to declining Public Defense Fund balances brought on by the significant increase in the number of counties submitting claims. The additional appropriations approved by the General Assembly should decrease the chance that future claims will be suspended.

Reimbursements suspended in January and April of 2001 will be paid in full, without proration, on or after the close of the fiscal year, June 30, 2001.

Noncapital Reimbursement

The close of fiscal year 2000-01 saw the addition of eleven new counties eligible for 40% reimbursement of their noncapital indigent expenses. This raises the number of counties benefiting from the new program to forty-eight. Now, over 50% of the state's population resides in a county eligible to receive reimbursement in noncapital cases.

Continued growth in participation in the noncapital program is anticipated. Ordinances and comprehensive plans from two new counties are already on the Commission's agenda for its August 29, 2001, meeting and several other counties have inquired about the steps

necessary to become eligible. Information regarding eligibility for reimbursement can be obtained from the Public Defender Commission by contacting Tom Carusillo, Staff Attorney, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, calling 317-232-2542, or e-mailing tcarusil@courts.state.in.us.

Capital Reimbursement

Changes in the reimbursement of counties in capital cases also occurred earlier this year. Effective January 1, 2001, the Supreme Court amended Indiana Criminal Rule 24, concerning capital cases, to provide an increase in the hourly rate of defense attorney's fees. Counties will be required to compensate counsel at an hourly rate of \$90 for cases filed or remanded on appeal after January 1, 2001. This is an increase from the current rate of \$70, which had been in effect since the adoption of Criminal Rule 24 in 1989. The Supreme Court also established a mechanism for periodic review and adjustment of the hourly rate.

The Court also amended Criminal Rule 24 to allow for the use of full-time salaried capital public defenders in qualified counties. This amendment allows qualified counties an option to using capital attorneys on an hourly rate basis. Any inquiries regarding the use of full-time capital public defenders can be made to the Commission as noted above.

The Commission looks forward to continued growth in 2001-02, and further improvement in the delivery of indigent defense services. All nonparticipating counties are invited to review how joining the growing roll of eligible counties can benefit their indigent defense systems.

Information Management: Categorizing Confidential Records

Administrative Rule 9 contains a list of court records deemed confidential by the Supreme Court of Indiana. Specifically, the rule provides:

Administrative Rule 9: Confidentiality of Court Records

In accordance with IC 5-14-3-4(a)(8), the following court records are hereby declared confidential:

- (A) All adoption records created after July 8, 1941, except those specifically declared open under statute;
- (B) Pursuant to statute, all records relating to Acquired Immune Deficiency Syndrome;
- (C) Pursuant to statute, all records relating to child abuse not admitted into evidence as part of a public proceeding;
- (D) Pursuant to statute, all records relating to drug tests not admitted into evidence as part of a public proceeding;
- (E) Grand jury proceedings;
- (F) All juvenile proceedings, except those specifically open under statute;
- (G) All paternity records created after July 1, 1941;
- (H) Pursuant to statute, all presentence reports;
- (I) Written petitions to permit underage marriages and

orders directing the Clerk of Court to issue a marriage license to underage persons;

(J) Only those arrest warrants, search warrants, indictments and informations ordered confidential by the trial judge, prior to return of duly executed service;

(K) All medical, mental health, or tax records unless:

- 1) Determined by law or regulation of any governmental custodian not to be confidential;
- 2) released by the subject of such records; or
- 3) declared by a court of competent jurisdiction to be essential to the resolution of litigation;

(L) Personal information relating to jurors not entered into evidence as part of a court proceeding;

(M) All orders of expungement entered in criminal or juvenile proceedings; and

(N) Pursuant to statute, all confidential information relating to protective orders not admitted into evidence as a part of a public proceeding.

(Adopted effective 1 January 1989; amended effective 1 January 1992)*

*The January 1, 1992 amendment added subsection "N".

It may be useful to "organize" records deemed confidential into four broad categories:

Protect Personal Privacy	Protect Children	Protect Legal/Judicial Process	Protect Potential Victim
AIDS Drug testing Presentence reports Medical Mental health Tax records Expungement	Adoption Child abuse Juvenile Paternity Underage marriage petitions	Grand Jury Arrest warrants Search warrants Indictments and Informations Jury lists	Protection orders

Pro Se Project

The Indiana Supreme Court has laid the groundwork for a statewide *pro se* assistance network to provide basic resources to self-represented litigants. The project is funded for one year through a grant from the State Justice Institute.

A 15-member committee of judges, clerks and others guides the project. The Hon. David J. Holt chairs the committee. The other members are: Hon. David H. Coleman, Hon. Natalie R. Conn, Hon. Kathleen Coriden, Hon. Gregory J. Donat, Hon. Gregory A. Gillis, Hon. Benjamin L. Pfaff, Mag. Victor Ransberger, Mag. Ann K. Smith, The Hon. Nicholas L. South, Ms. Lisbeth A. Blosser, Ms. Sharon Dugan, Ms. Ann Ginda, Professor Joanne Orr, Terry Ross, Jack Strake and Ms. Staci Terry.

Anthony Zapata will join the Division staff on August 27, 2001 to serve as project manager. Mr. Zapata is from Brownsville, Texas. He graduated from IU School of Law in Indianapolis where he was president of the Hispanic Law Society. Before joining the Division, Mr. Zapata was an attorney with the Neighborhood Christian Legal Clinic and has worked for the Marion County Public Defender Agency.

Initially, the project will involve pilot programs in Marion, Tippecanoe and Monroe Counties. Its primary goal is the development and implementation of uniform statewide court forms for use in simple domestic relations litigations. The forms will be available in Spanish.

The Division will house and administer the project with the help of David Remondini, Counsel to the Chief Justice.

Questions about this project should be directed to Lilia Judson at (317) 232-2542, ljudson@courts.state.in.us or David Remondini, (317) 233-8684, dremndini@courts.state.in.us.

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Only two issues of the Indiana Court Times were published in the Year 2000.

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Library Management

The following titles have been received by the Indiana Supreme Court Law Library in its capacity as a repository for State Justice Institute grant products. This list continues the columns published in previous issues of Indiana Court Times. SJI publications can be borrowed from the library by calling (317) 232-2557.

1. A Self-Evaluation Manual and Case Management System for Adult Drug Courts, Pacific Grove, CA: Justice Research Center, 2000. KF 3890 .J64 2000.
2. Implementing Sentencing Policy Reform: Gaining Political Support Through Research, Analysis, and Outreach, Chicago, IL.: American Judicature Society, 2000. KF 9685 .E88.
3. Violence Intervention Curriculum for Families 2000 Edition, Albuquerque, NM.: National Resource Center for Youth Mediation, 2000. HQ 799.2 .V56 N38 2000.
4. Creating a Victim Impact Panel For Diverted Youth: Manual of Operating Procedures, Seattle, WA.: Partnership for Youth Justice, 2000. KFW 595 .P37 2000.
5. Lessons Learned in Implementing an Integrated Domestic Violence Court: The District of Columbia Experience, Williamsburg, VA.: National Center for State Courts, 2000. KFD 1767 .F35 L48.
6. Training Curriculum and Reference Guidebook on Public Service for Court Assistance Officers, Moscow, ID.: Court Assistance Office Project, Idaho Supreme Court, 2000. KFI 84.5 .P7 T7 2000.
7. The Work of Appellate Court Legal Staff, Williamsburg, VA.: National Center for State Courts, 2000. KF 8770 .H36 2000.
8. Strategic Planning Mentoring Guidelines: Practical Tips for Court Leaders, Denver, CO.: Center for Public Policy Studies, 2000. KF 8732 .W34 2000.
9. Implementing an Integrated Domestic Violence Court: Systemic Change in the District of Columbia, Williamsburg, VA.: National Center for State Courts, 2000. KFD 1767 .F35 S74.
10. Re-Examining Wyoming's Jury Trial Procedures: Initial Recommendations of the Wyoming Commission on Jury System Improvement, State Justice Institute, 2000. KFW 4742 .A82 2000.
11. Evaluation of the Violence Intervention Program in Bernalillo County, New Mexico, Albuquerque, NM.: National Resource Center for Youth Mediation, 2000. KFN 4196 .C63 2000.
12. Arizona Death Penalty Judicial Assistance Program: Final Report, Phoenix, AZ.: Superior Court of Arizona, Maricopa County, Pima County, 1998. KFA 2910.5 .A3 A75.

Legal Motions

Legal Motions features personnel changes in the Indiana Judiciary. If you have any news of retirements, resignations, new appointments, or people on the move, we would be happy to feature it.

Appointment of New Judges:

Hammond City Court, The Hon. Jeffrey Harkin.

Henry Circuit Court, The Hon. David Wells Whitton, effective July 25, 2001. He will replace retiring Judge John L. Kellam.

Lake Station City Court, The Hon. Kristina Kantar. She replaces the late Hon. Thomas Cahillane.

Marion Superior Court, The Hon. Linda Brown, effective 1/1/01.

Mooreville Town Court, The Hon. Susan Leib. She replaces retiring Judge Paul Sterrett.

Parke County, The Hon. John Wood passed away on 3/31/01.

Pulaski Superior Court, The Hon. Patrick Blankenship, effective 1/01/01.

New Magistrates:

Marion County, The Hon. William Robinette, effective 4/9/01. He replaces Mark Renner who left office to become Court Administrator.

Pro-Tem:

Parke County, The Hon. John Asbury ended his appointment, effective 3/31/01.

New Address:

Henry County Superior Court 2 has moved into the new Henry county Justice Center. Their new address is 1215 Race Street, STE 220, New Castle IN, 47362.

New Name:

Portland City Court, The Hon. Michele Miller recently married and has changed her name to Pensinger.

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to dguthrie@courts.state.in.us to have your name added to our electronic list and removed from our hardcopy mailing list.

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Please Circulate to Co-workers

This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.

Indiana Court Times

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